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E-FILED - 7/14/10

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
GARY JAMES ROLLER,)
)
Defendant.)
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No. CR 08-00361(A) RMW

**STIPULATION AND ☐ ORDER CONTINUING STATUS
CONFERENCE FROM JUNE 21, 2010
TO JULY 26, 2010, AND EXCLUDING
TIME FROM JUNE 21, 2010 TO JULY
26, 2010, FROM CALCULATIONS
UNDER THE SPEEDY TRIAL ACT (18
U.S.C. § 3161)**

The parties hereby request that the Court enter this order continuing the status conference from June 21, 2010 to July 26, 2010, and excluding time from June 21, 2010 to July 26, 2010.

The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from June 21, 2010 to July 26, 2010 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions are appropriate.

On March 15, 2010, defendant and defense counsel reviewed the evidence in the

1 government's possession. On April 14, 2010, defense counsel contacted government counsel and
2 requested additional discovery. The government has provided some of the requested discovery
3 to defendant and defense counsel and is in the process of the providing the rest of the requested
4 discovery. Once this discovery has been provided, defendant and defense counsel will need
5 additional time to review and analyze it. In addition, both defense counsel and the government
6 will be in trial the week of June 14, 2010. Defense counsel is currently in a homicide trial that is
7 expected to last until late July 2010. Government counsel will be beginning a trial in on June 15,
8 2010 that is expected to last two weeks.

9 Therefore, for effective preparation of defense counsel and continuity of counsel, the
10 parties agree that the status conference currently scheduled for June 21, 2010 should be
11 continued to July 26, 2010 at 9 a.m.

12 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
13 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
14 effective preparation of the defense and continuity of defense counsel; believes the exclusion is
15 in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial
16 Act, 18 U.S.C. § 3161, should be for the period from June 21, 2010 to July 26, 2010.

17 Given these circumstances, the parties believe, and request that the Court find, that the
18 ends of justice are served by excluding from calculations the period from June 21, 2010 to July
19 26, 2010 outweigh the best interests of the public and the defendant in a speedy trial under the
20 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

21 IT IS SO STIPULATED.

22 DATED: 6/2/10

23 /s/ Richard Pointer
RICHARD POINTER
Attorney for Defendant

24
25 DATED: 6/2/10

26 /s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

[] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from June 21, 2010 to July 26, 2010, based on the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and will provide and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and continuity of counsel and is in the defendant's best interests; and (3) the ends of justice are served by excluding from Speedy Trial calculations the period from June 21, 2010 to July 26, 2010.

Accordingly, the Court further orders that (1) the status conference currently scheduled for June 21, 2010 is vacated and that the next appearance date before this Court is scheduled for July 26, 2010 at 9:00 a.m.; and (2) the time from June 21, 2010 to July 26, 2010 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO ORDERED.

DATED: 7/14/10


THE HONORABLE RONALD M. WHYTE
United States District Court Judge